

VIRGINIA INDUSTRIALIZED BUILDING SAFETY REGULATIONS (Amending 13 VAC 5-91-10, 40, 50, 60, 100, 110, 120, 140, 160, 180, 200, 210, 220, 250, 260 and 270; Repealing 13 VAC 5-91-230; Adding 13 VAC 5-91-245.)

CHAPTER 91

VIRGINIA INDUSTRIALIZED BUILDING SAFETY REGULATIONS

13 VAC 5-91-10. Definitions. The following words and terms, when used in this chapter, shall have the following meaning unless the context clearly indicates otherwise.

"Administrator" means the Director of DHCD or his designee.

"Approved" as applied to a material, device, method of construction, registered building, or as otherwise used in this chapter means approved by the administrator.

"BHCD" means the Virginia Board of Housing and Community Development.

"BOCA" means the Building Officials and Code Administrators International, Inc.

"CABO" means the Council of America Building Officials.

"Compliance assurance agency" means an architect or professional engineer registered in Virginia, or an organization, determined by the department to be specially qualified by reason of facilities, personnel, experience, and demonstrated reliability, to investigate, test and evaluate industrialized buildings; to list such buildings complying with standards at least equal to those promulgated by the board; to provide adequate ~~followup~~ follow-up services at the point of manufacture to ensure that production units are in full compliance; and to provide a label as evidence of compliance on each ~~manufactured section or module~~ registered industrialized building.

"DHCD" means the Virginia Department of Housing and Community Development.

"ICC" means the International Code Council, Inc.

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"Industrialized building" means a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes defined in § 36-85.3 of the Code of Virginia and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act (42 USC §5401 et seq.) shall not be considered industrialized buildings for the purpose of this law.

~~"Local code~~ Building official" means the officer or other designated authority charged with the administration and enforcement of USBC, or duly authorized representative.

~~"Manufactured Housing and Industrialized Building Office" means the office of DHCD which has been designated to carry out the state plan for enforcement of the Virginia Industrialized Building Safety Regulations.~~

"Model" means a specific design, as designated by the producer, of an industrialized building. Production buildings of any model may include variations and options that do not affect compliance with the standards governing structural, plumbing, mechanical, or electrical systems or any other items governed by this chapter.

"NFPA" means the National Fire Protection Association.

"Registered" means an industrialized building which displays a registration seal issued by DHCD in accordance with this chapter.

"Regulation" or "regulations" means 13 VAC 5-91-10 et seq.

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"State Building Code Administrative Office" or "SBCAO" means the office of DHCD which has been designated to carry out the enforcement of the Virginia Industrialized Building Safety Regulations.

"The law" or "this law" means the Virginia Industrialized Building Safety Law as embraced in Chapter 4 (§36-70 et seq.) of Title 36 of the Code of Virginia.

"TRB" means the State Building Code Technical Review Board as established by §36-108 of the Code of Virginia.

"USBC" means the Virginia Uniform Statewide Building Code, 13 VAC 5-61-10 et seq. 13 VAC 5-91-40. Inspection and enforcement.

A. The ~~Manufactured Housing and Industrialized Building Office~~ SBCAO is designated as the administrator's representative for the enforcement of this chapter. It shall have authority to make such inspections and to take such other actions as are required to enforce the regulations.

NOTE: The ~~Manufactured Housing and Industrialized Building Office~~ SBCAO shall act as the code official for registered industrialized buildings.

B. The SBCAO will maintain a list of approved compliance assurance agencies. Each manufacturer producing registered industrialized buildings will contract with one or more compliance assurance agencies for required evaluation, monitoring and inspection services. The contract will delineate the services to be provided by the compliance assurance agency. The compliance assurance agency will notify the SBCAO within thirty (30) days of signing a new contract or terminating an existing contract with any manufacturer.

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13 VAC 5-91-50. Factory and field inspections.

A. The ~~administrator's representative~~ SBCAO shall, during reasonable hours, make such inspections of factories producing industrialized buildings as may be necessary to determine whether the compliance assurance agency having jurisdiction is performing its evaluation and compliance assurance functions in a satisfactory manner.

B. The ~~administrator's representative~~ SBCAO may, during reasonable hours, make inspections to determine whether industrialized buildings, not at the time occupied ~~as dwellings~~, are in compliance with this chapter. Such inspections may include but are not limited to industrialized buildings on dealer lots or industrialized buildings that are otherwise offered for sale to the public. Industrialized buildings that are occupied ~~as dwellings~~ may be inspected at the request of the owners or occupants.

13 VAC 5-91-60. Violations.

~~A. Where the administrator finds any violation of the provisions of this chapter, a notice of violation shall be issued. This notice of violation shall order the party responsible to bring the unit into compliance within a reasonable time.~~

~~B. If the nature of the violation is such that it may be remedied under this chapter, the~~ The administrator may refer the matter to request assistance from the local codebuilding official for enforcement of this section.

13 VAC 5-91-100. Responsibility of ~~local codebuilding~~ officials. Every ~~local codebuilding~~ official is authorized to and shall enforce the provisions of this chapter within the limits of his

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jurisdiction. ~~He~~ The local code building official shall not permit the use of any industrialized building that does not comply with this chapter.

13 VAC 5-91-110. Registered industrialized buildings. Industrialized buildings that are registered shall be accepted in all localities as meeting the requirements of this law. Notwithstanding this provision, ~~local code~~building officials are authorized to carry out the following functions that apply to registered industrialized buildings provided such functions do not involve disassembly of the registered building or change of design, or result in the imposition of more stringent conditions than those required by the compliance assurance agency or by this chapter.

1. ~~Local code~~Building officials shall verify that the registered industrialized building has not been damaged in transit to a degree that would render it unsafe. Where indicated, this may include tests for tightness of plumbing systems and gas piping and tests for ~~shorts at the meter connection~~ damaged or loose wires or both in the electrical system.
2. ~~Local code~~Building officials shall verify that supplemental components required by the label or by this chapter are properly provided.
3. ~~Local code~~Building officials shall verify that the instructions of the label for installation and erection are observed.
4. ~~Local code~~Building officials shall verify that any special conditions or limitations of use that are stipulated by the label in accordance with this chapter are observed.

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5. ~~Local code~~Building officials may require submission and approval of plans and specifications for items not included or specified in the manufacturer's installation instructions such as the supporting structures, foundations including anchorage, and all other components necessary to form the completed building. They may require such architectural and engineering services as may be specifically authorized by this chapter to assure that the supporting structures, foundations including anchorage, and other components necessary to form the completed building are designed in accordance with this chapter.

6. ~~Local code~~Building officials shall enforce applicable requirements of this chapter and the USBC for alterations and additions to the units or to the buildings. As an aid, they may require submission of plans and specifications of the model of the unit. Such plans and specifications may be furnished on approved microfilm.

7. ~~Local code~~Building officials shall enforce the requirements of the USBC applicable to utility connections, site preparation, building permits, certificates of use and occupancy, and all other applicable requirements of the USBC, except those governing the design and construction of the registered building.

8. ~~Local code~~Building officials shall verify that the building displays the required state registration seal and the proper label of the compliance assurance agency.

13 VAC5 -91-120. Unregistered industrialized buildings.

A. The ~~local code~~building official shall determine whether any unregistered industrialized building complies with this chapter and shall require any noncomplying unregistered building to

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be brought into compliance with this chapter. The ~~local code~~building official shall enforce all applicable requirements of this chapter including those relating to the sale, rental and disposition of noncomplying buildings. The ~~local code~~building official may require submission of full plans and specifications for each building. Concealed parts of the building may be exposed to the extent necessary to permit inspection to determine compliance with the applicable requirements. The building official may also accept reports of inspections and tests from individuals or agencies deemed acceptable to the code official.

B. Unregistered industrialized buildings offered for sale by dealers in this Commonwealth shall be marked by a warning sign to prospective purchasers that the building is not registered in accordance with this chapter and must be inspected and approved by the ~~local code~~building official having jurisdiction. The sign shall be of a size and form approved by the administrator and shall be conspicuously posted on the exterior of the unit near the main entrance door.

13 VAC 5-91-140. Report to the ~~Manufactured Housing and Industrialized Building Office~~ SBCAO. If the building is moved from the jurisdiction before the violations have been corrected, the ~~local code~~building official shall make a prompt report of the circumstances to the ~~Manufactured Housing and Industrialized Building Office~~ SBCAO. The report shall include the following:

1. A list of the uncorrected violations;
2. All information contained on the label pertinent to the identification of the building, the manufacturer and the compliance assurance agency;

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3. The number of the Virginia registration seal;
4. The new destination of the building, if known;
5. The party responsible for moving the building; and
- ~~6. Whether the building was placarded for violation.~~

13 VAC 5-91-160. ~~Hazards prohibited and standards specified~~ Use of model codes and standards. Industrialized buildings produced after the effective date of this chapter shall be reasonably safe for the users and shall provide reasonable protection to the public against hazards to life, health and property. Compliance with all applicable requirements of the following codes and standards, subject to the specified time limitations, shall be acceptable evidence of compliance with this provision.

A. The following codes and standards may be used until (INSERT DATE):

1. BOCA National Building Code

~~a. 1993 Edition—until June 1, 1997~~

~~b. 1996 Edition—no time limit~~

~~2. BOCA National Plumbing Code~~

~~1993 Edition—until June 1, 1997~~

~~3. 2. ICC International Plumbing Code~~

~~1995 Edition with 1996 Supplement—no time limit~~

~~4. BOCA National Mechanical Code~~

~~1993 Edition—until June 1, 1997~~

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~~5.3.~~ ICC International Mechanical Code

1996 Edition—~~no time limit~~

~~6.4.~~ National Electrical Code - NFPA NO. 70

~~a. 1993 Edition—until June 1, 1997~~

~~b. 1996 Edition—no time limit~~

~~7.5.~~ CABO One- and Two-Family Dwelling Code

~~a. 1992 Edition and 1993 Amendments—until June 1, 1997~~

~~b. 1995 Edition—no time limit~~

~~The CABO One and Two-Family Dwelling Code may be used as an optional alternative standard for one and two family dwellings to the standards specified in subdivisions 1 through 6 of this section.~~

B. The following documents are adopted and incorporated by reference to be an enforceable part of these regulations:

1. ICC International Building Code - 2000 Edition

2. ICC International Plumbing Code - 2000 Edition

3. ICC International Mechanical Code - 2000 Edition

4. NFPA 70 National Electrical Code - 1999 Edition

5. ICC International Residential Code - 2000 Edition

NOTE: The codes and standards (BOCA, CABO, ICC and NFPA) referenced above may be procured from:

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Building Officials and Codes Administrators International, Inc.

4051 West Flossmoor Road

Country Club Hills, Illinois 60478-5795

13 VAC 5-91-180. Compliance assurance agencies. Application may be made to the ~~administrator~~ SBCAO for acceptance as a compliance assurance agency as defined in 13 VAC 5-91-10. Application shall be made under oath and shall be accompanied by information and evidence that is adequate for the ~~administrator~~ SBCAO to determine whether the applicant is specially qualified by reason of facilities, personnel, experience and demonstrated reliability to investigate, test and evaluate industrialized buildings for compliance with this chapter, and to provide adequate ~~followup~~ follow-up and compliance assurance services at the point of manufacture.

~~NOTE: A suggested format for the application for acceptance as a compliance assurance agency may be obtained from the Manufactured Housing and Industrialized Building Office.~~

13 VAC 5-91-200. Information required by the administrator. The following information and criteria will be considered by the administrator in designating compliance assurance agencies:

1. Names of officers and location of offices;
2. Specification and description of services proposed to be furnished under this chapter;
3. Description of qualifications of personnel and their responsibilities. Personnel involved in system analysis, design and plans review, compliance assurance inspections, and their supervisors shall meet the requirements of the American Society for Testing and Material

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(ASTM) Standards E-541-84, Criteria for Agencies Engaged in System Analysis and Compliance Assurance for Manufactured Buildings;

4. Summary of experience within the organization;

5. General description of procedures and facilities to be used in proposed services, including evaluation of the model, factory ~~followup~~ follow-up, quality assurance, labeling of production buildings, and specific information to be furnished on or with labels;

6. Procedures to deal with any defective buildings resulting from oversight;

7. Acceptance of these services by independent accrediting organizations and by other jurisdictions; and

8. Proof of independence and absence of conflict of interest.

Note: The ASTM Standard E-541-84 may be procured from:

American Society for Testing and Materials

100 Barr Harbor Drive

West Conshohocken, PA ~~19428-2956~~ 19428-2959

13 VAC 5-91-210. ~~Minimum information required~~ Compliance assurance agency certification label. Every registered industrialized building shall be marked with a label, ~~seal, or similar evidence of compliance~~ supplied by the compliance assurance agency that includes the following information ~~directly or by reference~~:

1. Name and address of compliance assurance agency;

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- ~~2. List of codes and standards for which the building has been evaluated, inspected and found in compliance by the compliance assurance agency and the type of construction classification, the use group classification and occupancy under those codes and standards;~~
- ~~3. Serial number of label;~~
- ~~4. Special instructions for handling, installation and erection, or list of such instructions that are furnished separately with the building; and~~
- ~~5. Special conditions or limitations of use of the building under the standards for which the building has been evaluated, or list of such conditions and limitations that are furnished separately with the building. Certification label number.~~

13 VAC 5-91-220. Mounting of label. To the extent practicable, the label shall be so installed that it cannot be removed without destroying it. It shall be applied in the vicinity of the electrical distribution panel or other location that is readily accessible for inspection. When a building is comprised of more than one section or module, the required label may be furnished as a single label for the entire building, ~~provided each section or module is marked by the compliance assurance agency in a clearly identifiable manner that is listed with the label.~~

13 VAC 5-91-230. ~~Manufacturer's data plate and other markings. (Repealed.)~~

~~The following information shall be placed on one or more permanent manufacturer's data plates in the vicinity of the electrical distribution panel or in some other location that is readily accessible for inspection. The compliance assurance agency shall approve the form, completeness and location of the data plate to include the information listed below:~~

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- ~~1. Manufacturer's name and address;~~
- ~~2. Serial number of the label of the compliance assurance agency;~~
- ~~3. Serial number of the building;~~
- ~~4. Name of manufacturer and model designation of major factory installed appliances;~~
- ~~5. Where applicable, identification of permissible type of gas for appliances, designation of electrical ratings for single and multiple cord entrance, and directions for water and drain connections;~~
- ~~6. Serial number of the registration seal;~~
- ~~7. Seismic design zone number; and~~
- ~~8. Design loads: live load, dead load, snow load, and wind load.~~

13 VAC 5-91-245. Manufacturer's data plate. A. The following information shall be placed on a permanent manufacturer's data plate in the vicinity of the electrical distribution panel of in some other location that is readily accessible for inspection. The compliance assurance agency shall approve the form, completeness and location of the data plate to include the information listed below:

1. Manufacturer's name and address
2. Compliance assurance agency certification number
3. Serial number of each module of the building
4. Serial number of the Virginia registration seal
5. Date of manufacture of the building

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6. List of codes and standards for which the building has been evaluated, inspected and found in compliance by the compliance assurance agency and the type of construction and the use and occupancy classification under those codes and standards

7. Design loads: roof and floor live load and wind load

8. Seismic design zone number

9. Thermal transmittance values or "R" values

10. Special conditions or limitations of use of the building under the standards for which the building has been evaluated, or a list of such conditions and limitations that are furnished separately with the building

11. Special instructions for handling, installation and erection, or a list of such instructions that are furnished separately with the building

12. Designation of electrical service ratings, directions for water and drain connections and, where applicable, identification of permissible type of gas for appliances

13. Name of manufacturer and model designation of major factory installed appliances

B. The manufacturer shall maintain copies of the data plate and reports of inspection, tests and any corrective action(s) taken for a minimum period of ten (10) years from the date of manufacture of the building.

13 VAC 5-91-250. Industrialized buildings eligible for registration. Any industrialized building must meet the following requirements to be registered and eligible for a Virginia registration seal:

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1. The design of the building has been found by a compliance assurance agency to be in full compliance with this chapter. Approved designs shall be evidenced by the stamp and date of approval on each sheet by the compliance assurance agency;
2. The compliance assurance agency has conducted any necessary testing and evaluation of the building and its component parts;
3. The compliance assurance agency has provided the required inspections and other quality assurance ~~follow-up~~ follow-up services at the point of manufacture to assure the building complies with this chapter; and
4. The building has been provided with appropriate evidence of such compliance with a label, ~~seal or similar device~~ permanently affixed by the compliance assurance agency.

13 VAC 5-91-260. Registration seal for industrialized buildings.

A. Registered industrialized buildings shall be marked with an approved registration seal issued by ~~DHCD~~ SBCAO. The seal shall be applied by the manufacturer to a registered industrialized building intended for sale or use in Virginia prior to the shipment of the building from the place of manufacture.

B. Registered industrialized buildings shall bear a registration seal for each dwelling unit in residential occupancies. For nonresidential occupancies, a registration seal is required for each registered building ~~of a single occupancy and use group~~.

C. Approved registration seals may be purchased from ~~DHCD~~ SBCAO in advance of use. The fee for each registration seal shall be \$50 75. Checks shall be made payable to "Treasurer of

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Virginia." Payment for the seals must be received by the ~~administrator~~ SBCAO before the seals can be sent to the user.

D. To the extent practicable, the registration seal shall be installed so that it cannot be removed without destroying it. It shall be installed near the label applied by the compliance assurance agency.

E. The compliance assurance agency or the manufacturer under the supervision of the compliance assurance agency shall maintain permanent records of the disposition of all Virginia registration seals obtained by the compliance assurance agency or manufacturer.

13 VAC 5-91-270. Manufacturer's installation instruction instructions; installation.

A. The manufacturer of each industrialized building shall provide with each building, specifications or instructions, or both, for handling, installing or erecting the building. Such instructions may be included as part of the label from the compliance assurance agency or may be furnished separately by the manufacturer of the building. The manufacturer shall not be required to provide the foundation and anchoring equipment for the industrialized building.

B. Persons or firms installing or erecting registered industrialized buildings shall install or erect the building in accordance with the manufacturer's instructions.

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I certify that this regulation is full, true, and correctly dated.

(Signature of Certifying Official)

William C. Shelton, Director

Department of Housing and Community Development

Date: _____